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UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING

CUSTODIA BANK, INC.	}	
	}	
Plaintiff,	}	
	}	
vs.	}	Civil No. 1:22-cv-00125-SWS
	}	
FEDERAL RESERVE BOARD OF	}	
GOVERNORS and FEDERAL RESERVE	}	
BANK OF KANSAS CITY,	}	
	}	
Defendants.	}	

**FEDERAL RESERVE BANK OF KANSAS CITY’S UNOPPOSED MOTION FOR
 LEAVE TO FILE EXHIBIT RELATED TO MOTION TO DISMISS THE AMENDED
 COMPLAINT UNDER SEAL**

Defendant Federal Reserve Bank of Kansas City (“FRBKC”), through undersigned counsel, hereby moves the Court pursuant to Federal Rule of Civil Procedure 7(b) and Local Rule 5.1(g) for leave to file under seal the letter FRBKC sent to Custodia denying its account request, attached to the Declaration of Billie L.M. Addleman, March 28, 2023, as Exhibit A [hereinafter the “Denial Letter”]. The parties have met and conferred and neither The Board of Governors of the Federal Reserve System (“Board of Governors”) nor Custodia Bank, Inc. (“Custodia”) oppose this motion.

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Although there is a strong presumption in favor of public access to judicial proceedings, that presumption “is not absolute.” *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007). A court will permit a document to be sealed when the requesting party shows that there is a “a real and substantial interest that justifies depriving the public of access to the records that inform [the] decision-making process.” *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1242 (10th Cir. 2012). “Whether judicial records and other case-related information should be sealed or otherwise withheld from the public is a matter left to the sound discretion of the district court.” *Mann*, 477 F.3d at 1149. For example, courts in this Circuit permit filing documents under seal or redacting documents to protect confidential commercial information. *See Polk v. Swift*, No. 19-CV-148-S, 2020 WL 13049253, at *3 (D. Wyo. Jan. 13, 2020) (permitting discovery documents designated as containing confidential information to be filed under seal); *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*, No. 17-MD-2785-DDC-TJJ, 2020 WL 7396915, at *2 (D. Kan. Dec. 17, 2020) (authorizing the parties to redact documents to “properly protect the parties’ confidential business information”).

FRBKC moves to file the Denial Letter under seal because it may contain Custodia’s confidential commercial information. Custodia provided business materials to FRBKC when it submitted its master account request and during the course of FRBKC’s evaluation of that request. Some of these submissions and responses to requests for additional information were accompanied by requests from Custodia for confidential treatment of the submitted information. Because the denial letter may contain confidential commercial information, compelling reasons exist to file the Denial Letter under seal, and FRBKC’s motion should be granted.

Dated: 28 March 2023.

/s Billie LM Addleman

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CERTIFICATE OF SERVICE

I certify the foregoing ***Defendants' Motion To File Exhibit Related To Defendants' Joint 12(b)(1) Motion To Dismiss The Complaint As Moot Under Seal*** was served upon all parties to this action pursuant to the Federal Rules of Civil Procedure on 28 March 2023, and that copies were served as follows:

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